

# Protectors & Power-holders in Trusts



**Warning - Are you a protector?  
Do you advise one?**

**Attend this event for in-depth analysis of key issues including:**

- ❖ The true role of a protector
- ❖ Difficulties caused by a hostile protector
- ❖ Litigation against protectors
- ❖ Drafting protector clauses and designing and structuring protectorships
- ❖ Risks and rewards of using settlor reserved powers

Organised by:



**IBC Global Conferences**  
Investing business with knowledge

26th February 2015

Grange Tower Bridge Hotel, London

an **informa** business

**Register Today: Call: ++44(0) 20 7017 4579**

**Fax: +44 (0)20 7017 7805 E-Mail: [nandita.shrestha@informa.com](mailto:nandita.shrestha@informa.com)**

**For Latest Programme or To Register:  
<http://www.iiribcfinance.com/FKW52874TT>**

## Expert speaker panel

### Co-chairs



**Stephen Moverley Smith QC**  
XXIV OLD BUILDINGS



**Andrew Holden**  
XXIV OLD BUILDINGS



**Claire Blakemore**  
WITHERS



**Arabella Murphy**  
MAURICE TURNOR GARDNER



**David Brownbill QC**  
XXIV OLD BUILDINGS



**Nicholas Le Poidevin QC**  
NEW SQUARE CHAMBERS



**Gilead Cooper QC**  
3 STONE BUILDINGS



**Anthony Poulton**  
BAKER & MCKENZIE



**Antony Duckworth**  
CHARLES ADAMS RITCHIE & DUCKWORTH



**Fraser Robertson**  
APPLEBY



**Gavin Ferguson**  
APPLEBY



**Keith Robinson**  
APPLEBY



**Dawn Goodman**  
WITHERS



**Lisa Springate**  
BEDELL CRISTIN



**Sofie Hoffman**  
BOODLE HATFIELD



**Elsbeth Talbot Rice QC**  
XXIV OLD BUILDINGS



**Nicholas Holland**  
McDermott Will & Emery



**Rupert Ticehurst**  
BERWIN LEIGHTON PAISNER



**Mark Hubbard**  
NEW SQUARE CHAMBERS



**Graeme Kleiner**  
CHARLES RUSSELL SPEECHLYS



**Bajul Shah**  
XXIV OLD BUILDINGS



**Paul Matthews**  
WITHERS



**Elizabeth Weaver**  
XXIV OLD BUILDINGS



**Emma McCall**  
WITHERS



**Jeremy Wessels**  
MOURANT OZANNES

Dear Private Client Practitioner



**Are you a protector? Do you advise one? You need to be aware of the issues involved.**

**At this major event, experts from across the trust world will provide in-depth analysis of key issues involving protectors and other power-holders.**

Protectors and other power-holders are an **increasingly important** part of the private wealth landscape, yet those **acting as protectors (or those advising them) are often unaware of the many complex issues arising.** Acting as a **protector or power-holder involves serious responsibilities** and it is essential that protectors and their advisers are fully equipped to **avoid the risks** that arise.

This major event, which represents a **unique gathering of talent from across the trust law world**, will ensure you are **up to date on all the issues** and **aware of all the potential pitfalls** involved in being, advising or interacting with protectors and other power-holders, helping to safeguard both you and your clients against professional liability.

There is **in-depth and comprehensive coverage** of, amongst other topics, the true role of a protector; interactions with and claims against protectors; the proper and improper use of settlor reserved powers; the duties of trustees when receiving investment advice; and the ever-thorny issue of beneficiary involvement in trust administration, as well as valuable suggestions for drafting and structuring.

**This is a truly unmissable event for any practitioner dealing with protectors or other non-trustee power-holders on a regular basis.**

Kind regards,

Rosie Graham  
Conference Producer  
IBC Global Events

8.30 Registration

9.00 **Chairs' Opening Remarks**



**Stephen Moverley Smith QC**  
Barrister  
XXIV OLD BUILDINGS



**Andrew Holden**  
Barrister  
XXIV OLD BUILDINGS

### Morning session: Protectors

9.10 **Doorman, watchman or bagman? The true role of the protector**

- To what extent is the protector there to protect the settlor's intentions?
- Just another fiduciary? Understanding the protector's role by analogy with that of trustee
- The protector as representative: dealing with matters external to the trust
- Professional FSPs as protectors: a useful option or a contradiction in terms?



**David Brownbill QC**  
Barrister  
XXIV OLD BUILDINGS



**Paul Matthews**  
Consultant  
WITHERS



**Antony Duckworth**  
Partner  
CHARLES ADAMS  
RITCHIE & DUCKWORTH  
(CAYMAN ISLANDS)



**Andrew Holden**  
Barrister  
XXIV OLD BUILDINGS

10.10 **When the protector becomes the problem**

- Removing protectors from office
- Protector says no: dealing with inability to obtain protector consent
- Pushy protectors: how can the trustees and beneficiaries contain and respond to overly zealous protectors?
- Practical tips on hostile litigation involving a protector



**Dawn Goodman**  
Partner  
WITHERS



**Emma McCall**  
Associate  
WITHERS

10.50 Refreshment Break

11.05 **Protectors in the firing-line: potential claims against the protector**

- To what extent should a protector monitor the trustees' performance?
- Claims against protectors: can a protector be liable for failing to prevent breaches of trust?
- Disclosure of documents by protectors to beneficiaries and third parties
- Strategies for minimising the protector's exposure





*Moderator :*  
**Elspeth Talbot Rice QC**  
Barrister  
**XXIV OLD BUILDINGS**



*Panellists*  
**Anthony Poulton**  
Partner  
**BAKER & MCKENZIE**



**Gavin Ferguson**  
Managing Partner  
**APPLEBY**  
(GUERNSEY)



**Fraser Robertson**  
**APPLEBY**  
(JERSEY)



11.55 **Measure twice, cut once: how to get protectors right**

- Choosing the right protector: how to advise the settlor
- Drafting the trust instrument: possibilities and pitfalls in protector clauses
- Planning for the transition to the next generation
- What's the formula for the ideal protector?



*Moderator:*  
**Andrew Holden**  
Barrister  
**XXIV OLD BUILDINGS**



**Rupert Ticehurst**  
Partner  
**BERWIN LEIGHTON PAISNER**



**Sofie Hoffman**  
Partner  
**BOODLE HATFIELD**



**Nicholas Holland**  
Partner  
**MCDERMOTT WILL & EMERY**

12.35 Lunch

**Afternoon session: Power-holders**

1.45 **Back-seat drivers: The risks and rewards of settlor reserved powers**

- The effectiveness (or otherwise) of reserved powers legislation
- International recognition of reserved powers
- Creditor access to settlor reserved powers: receivers and in personam orders
- The Family Division's view of reserved powers
- Does the reservation of powers actually work in practice?



*Moderator:*  
**Stephen Moverley Smith QC**  
Barrister  
**XXIV OLD BUILDINGS**



*Panellists:*  
**Nicholas Le Poidevin QC**  
Barrister  
**NEW SQUARE CHAMBERS**



**Claire Blakemore**  
Partner  
**WITHERS**



**Jeremy Wessels**  
Partner  
**MOURANT OZANNES**  
(GUERNSEY)



**Keith Robinson**  
Partner  
**APPLEBY**  
(BERMUDA)

2.45 **Trusts and quants: investment advice and the role of the trustee**

- Theoretical and practical difficulties when the settlor gives investment advice
- The delegation of trustee investment functions: what are the trustee's ongoing responsibilities?
- Powers to veto and direct investment functions: do they work and what are the risks?
- Special considerations when trusts are used as vehicles for settlor-directed investment



**Elizabeth Weaver**  
Barrister  
**XXIV OLD BUILDINGS**



**Bajul Shah**  
Barrister  
**XXIV OLD BUILDINGS**

3.20 Refreshment Break

3.35 **Beneficiary involvement in trust administration**

- The relevance of beneficiaries' wishes to trust administration
- Conferring powers on beneficiaries: ancient law and modern practice
- Beneficiary involvement in trust governance: family offices and investment committees
- Pickle in the middle: strategies for handling zealous beneficiaries



**Lisa Springate**  
Partner  
**BEDELL CRISTIN** (JERSEY)



**Graeme Kleiner**  
Partner  
**CHARLES RUSSELL SPEECHLYS**



**Arabella Murphy**  
Partner  
**MAURICE TURNOR GARDNER**

4.35 **Concluding debate: 'This House believes that protectors are a good thing'**

- Are protectors and other non-trustee power-holders a useful addition to trusts, or do they just add another layer of complexity and fees?
- Have protectors created as many problems as they have solved?
- Is the use of protectors as good for clients as it is for the offshore trust industry?



*For the Motion:*



**Mark Hubbard**  
Barrister  
**NEW SQUARE CHAMBERS**

*Against the Motion:*



**Gilead Cooper QC**  
Barrister  
**3 STONE BUILDINGS**

5.15 Chairs' Summation

# Protectors and Power-holders In Trusts

26th February 2015 • Grange Tower Bridge Hotel, London

FKW52874

VIP CODE

TT18

## WHEN AND WHERE

FKW52874 Venue: Grange Tower Bridge Hotel  
45 Prescott St  
26th February 2015 London E1 8GP

Delegates are responsible for the arrangement and payment of their own travel and accommodation. IIR has arranged a special room rate at a number of hotels. If you wish to book a room, please call **Venue Search** on +44 (0) 20 8546 6166 or email [beds@venuesearch.co.uk](mailto:beds@venuesearch.co.uk) stating that you are an IBC delegate.

## PERSONAL DETAILS

1st Delegate Mr/Mrs/Ms  
Job title/Dept  
Company  
Address

Telephone  
Fax  
Email  
Nature of Business  
Billing Address (if different from above address)

Yes! I would like to receive information about upcoming events by email. By giving you my email address I am giving ONLY Informa companies the permission to contact me by email

2nd Delegate Mr/Mrs/Ms  
Job title/Dept  
Company  
Address

Telephone  
Fax  
Email

Yes! I would like to receive information about upcoming events by email. By giving you my email address I am giving ONLY Informa companies the permission to contact me by email

3rd Delegate Mr/Mrs/Ms  
Job title/Dept  
Company  
Address

Telephone  
Fax  
Email

Yes! I would like to receive information about upcoming events by email. By giving you my email address I am giving ONLY Informa companies the permission to contact me by email

Line Manager Mr/Mrs/Ms  
Job title/Dept  
Telephone Fax  
Email

Booking Contact Mr/Mrs/Ms  
Job title/Dept  
Telephone Fax  
Email

## Unable to Attend - Event Documentation

Nothing compares to being there - but you need not miss out! To order your online documentation simply tick the box, complete your details above and send the form along with payment.

**Protectors and Power-holders In Trusts FKW52874 - £225 (Plus VAT @20%)**  
**Documentation orders can only be processed on receipt of credit card details.** To ensure we provide the highest level of security for your credit card details we are unable to accept such payments via email or fax, which ensures that these details are never stored on our network. To make payment by credit card: To make your payment on-line, please enter your credit card details in our secure payments website that you will use when making your documentation purchase via the event website (the event web address is near the top of the booking form). Alternatively call our customer service team on +44 (0) 20 7017 7790 or email your phone number with your documentation order to [kmregistration@informa.com](mailto:kmregistration@informa.com) and we will call you.

## FIVE EASY WAYS TO REGISTER



Telephone:  
+44 (0) 20 7017 4579  
Please remember to quote  
FKW52874



Email:  
[nandita.shrestha@informa.com](mailto:nandita.shrestha@informa.com)



Fax:  
Complete and send this  
registration form to:  
+44 (0) 20 7017 7805



Web:  
<http://www.iirbfinance.com/FKW52874TT>

Payment should be made within 14 days of registration.  
All registrations must be paid in advance of the event.

## HOW MUCH?

|  | Register by<br>12 December<br>2014   | Register by<br>30 January<br>2015   | Register after<br>30 January<br>2015                               |
|--|--|---|--|
| <b>Protectors<br/>and Power-<br/>holders in<br/>Trusts</b> | <input type="checkbox"/> <b>£799</b><br>+ VAT @ 20% =<br>£958.80<br><b>SAVE £300</b> | <input type="checkbox"/> <b>£999</b><br>+ VAT @ 20% =<br>£1198.80<br><b>SAVE £100</b> | <input type="checkbox"/> <b>£1099</b><br>+ VAT @ 20% =<br>£1318.80 |

The VAT rate is subject to change and may differ from the advertised rate. The amount you are charged will be determined when your invoice is raised. Savings include Multiple Booking & Early Booking Discounts. All discounts are subject to approval. Please note the conference fee does not include travel or hotel accommodation costs. 50% Discount for 3rd and subsequent delegates. All discounts can only be claimed at the time of registration and multi-booking discounts cannot be combined with other discounts that may be available (apart from early booking discounts which are available to everyone). We are happy to accept a replacement delegate for the whole event, however delegate passes cannot be split or shared between delegates under any circumstances.

## TWO EASY WAYS TO PAY

**BY CREDIT CARD** To ensure we provide the highest level of security for your credit card details we are unable to accept such payments via email or fax which ensures that these details are never stored on our network. To make payment by credit card on-line, please enter your credit card details in our secure payments website that you will use when making your booking via the event website (the event web address is near the top of the booking form). Alternatively call our customer service team on +44 (0) 20 7017 7790.

**By Bank transfer:** Full details of bank transfer options will be given with your invoice on registration.

**TERMS AND CONDITIONS:** Attendance at this conference is subject to IIR & IBC Finance Terms and Conditions at <http://www.iirbfinance.com/page/termsandconditions>. Your attention is drawn in particular to clauses 6, 8 and 14 of IIR & IBC Finance Delegate Terms and Conditions which have been set out below. **Cancellation Policy:** You may cancel your registration in accordance with this Condition 6. You will receive a refund of your fees paid to IIR and IBC Finance (if any): (i) if you cancel your registration 28 days or more before the Conference, subject to an administration charge equivalent to 10% of the total amount of your fees plus VAT; or (ii) if you cancel your registration less than 28 days, but more than 14 days before the Conference, subject to an administration charge equivalent to 50% of the total amount of your fees plus VAT. IIR and IBC Finance regrets that the full amount of your fee remains payable in the event that your cancellation is 14 days or less before the Conference or if you fail to attend the Conference. All cancellations must be sent by email to [kmregistration@informa.com](mailto:kmregistration@informa.com) marked for the attention of Customer Services and must be received by IIR and IBC Finance. You acknowledge that the refund of your fees in accordance with Condition 6 is your sole remedy in respect of any cancellation of your registration by you and all other liability is expressly excluded. **Changes to the conference:** IIR and IBC Finance may (at its sole discretion) change the format, speakers, participants, content, venue location and programme or any other aspect of the Conference at any time and for any reason, whether or not due to a Force Majeure Event, in each case without liability. **Data protection:** The personal information which you provide to us will be held by us on a database. You agree that IIR and IBC Finance may share this information with other companies in the Informa group. Occasionally your details may be made available to selected third parties who wish to communicate with you offers related to your business activities. If you do not wish to receive these offers please contact the database manager. For more information about how IIR and IBC Finance use the information you provide please see our privacy policy at: <http://www.iirbfinance.com/page/privacypolicy> if you do not wish your details to be available to companies in the Informa Group, or selected third parties, please contact the Database Manager, Informa UK Ltd, Maple House, 149 Tottenham Court Road, London, W1T 7AD, UK. Tel: +44 (0)20 7017 7077, fax: +44 (0)20 7017 7828 or email [integrity@iirttd.co.uk](mailto:integrity@iirttd.co.uk). **Incorrect Mailing:** If you are receiving multiple mailings or you would like us to change any details, or remove your name from our database, please contact the Database Manager at the above address quoting the reference number printed on the mailing label. By completing and submitting this registration form, you confirm that you have read and understood the IIR and IBC Finance Delegate Terms and Conditions and you agree to be bound by them.